

Kelsey Baker 401D

Indiana Law Enforcement Academy
Basic Report Writing Course
General Grading Criteria
Written Final Exam

EXHIBIT U

-2 1/2
90%

Procedure:

1. Watch the prescribed video. Details in the video must be reported accurately. Officers must also use the information from their witness statements, and other supplemental info given to them by the instructor.
2. Write a PC narrative AND a DUI Affidavit for the Lester DUI case that includes at least 18 of the maximum 24 points below.

Maximum points for each grading criteria:

Points

- | | | | |
|------|----|----|--|
| -1/2 | 1 | 1. | A detailed description of the suspect (3-4 identifiers, and link to crime). |
| 1 | 1 | 2. | A numbered list showing supplemental documentation (attachments). |
| 1 | 1 | 3. | A detailed description of the vehicle including year, make, model, license plate or VIN number. |
| 1 | 1 | 4. | A clear explanation of how the suspect vehicle was linked to the crime (Is it clear that the suspect was OPERATING the motor vehicle) <ul style="list-style-type: none">• Was the vehicle running?• Was the vehicle in motion?• Was the suspect behind the wheel?• Was the suspect operating the vehicle?<ul style="list-style-type: none">o Did you see this?o Did someone else see this?• Was there anyone else in the vehicle?• Did you ever lose sight of the vehicle? |
| N/A | 5. | 5. | A <u>legal</u> justification for the use of force during the arrest, as well as a detailed description of that use of force. |
| 2 | 6. | 6. | Legal justification for searching AND seizing evidence on suspect and from inside the vehicle (Did you establish probable cause before seizing breath sample (or blood or urine) under the Implied Consent law?) |
| 2 | 7. | 7. | A good documentation of the Implied Consent procedure <ul style="list-style-type: none">• Did you advise the suspect of the Implied Consent law?• Was it read from a card or pre-printed sheet?• Did the suspect agree to take a chemical test?<ul style="list-style-type: none">o If so, how did they agree?o If not, how did they refuse? |
| 2 | 4 | 8. | Document the facts that satisfy <u>ALL</u> the elements of the crime(s) for which you are charging.
#1 – OVWH / OVWI <ul style="list-style-type: none">• Person• Operates• Vehicle• While Intoxicated OR While having a BAC of .08 or greater
#2 – Driving While Suspended <ul style="list-style-type: none">• Person• Operates |



- Vehicle
 - While having a suspended license
- 4 9. Good detail on ALL aspects of the **follow-up** investigation. Facts including:
- Chemical test procedure and results?
 - Arrest / search?
 - Driver's license seizure and receipt?
 - Miranda / Post arrest interview?
 - Vehicle impound & Inventory?
 - Driver's license history review (OVWI prior conviction, suspended status on driver's license)?
 - Victim / witness statements taken?
 - Other officers' supplemental reports collected and attached?
- 4 10. **General Writing Techniques** (plus and minus categories):
- Good areas** – Understandable language used, focused on important issues, relevant matters emphasized, made visual, medium or short paragraphs, logical progression, accurate timeline, etc.
- Bad areas** – Use of run-on sentences or paragraphs; use of "Officious" language, acronyms, abbreviations, police jargon, Ten Codes, legalese, etc.; mistakes in grammar, punctuation or spelling; omission of important Who, What, Where, When, Why and How information; Timeline or factual errors from video; Using all CAPS, using first name only, failure to proofread.
- 1 11. Format: Predication or Preamble used (Lead-In sentence)
- 1 12. Format: Headings / subheadings used in Case Report
- 1 13. Format: PC Affidavit sworn and signed
- 2 14. Format: Completed/signed standardized OVWI PC affidavit

25 Points Possible

Minimum score: 18 of 24 points (75%)

Session 225 et seq.

Preliminary Information

On 4/11/2022 at approximately 2300 hours I, Officer Kaleb Rucker, was driving East in the 1100 block of State Road 119. My partner, Officer Tom Fuller, was riding in the passenger seat of my patrol car. The weather was clear and there was no light on the road.

Initial Observations

While driving on State Road 119, I saw a 2014 White Kia Sorento driving in front of me without a license plate. While behind the Kia, I saw the Kia weaving within the lane and cross over the yellow center line twice. Officer Fuller also witnessed these infractions.

Vehicle Stop

I turned on my emergency lights. The Kia did not stop and I turned on my siren. The Kia then turned right onto Indiana Avenue and crossed over the fog line on the right-hand side of the road. The Kia came to a stop on the right shoulder. I walked up to the vehicle on the passenger side. There was only one occupant in the vehicle.

Contact with Driver

When I reached the passenger side window, I told the driver that I had stopped him for not having a license plate and weaving. The driver, later identified as Dee Moe Lester, (DOB 8/30/1986, White Male, 6'1, 185lbs, Brown Eyes, Brown Hair) told me he was just tired. I asked Lester for his driver's license, vehicle registration, and proof of insurance. Lester handed me a Visa credit card. I noticed Lester had bloodshot eyes. I asked Lester where he was coming from. Lester stated he was coming from downtown. I asked Lester what he did downtown. Lester stated he was with some friends. I asked Lester where he was going and he stated he was going home. I told Lester he had given me a Visa and asked if he had his driver's license. Lester stated he was sorry and handed me his driver's license. I asked Lester how much alcohol he had to drink. Lester stated a couple drinks. I noticed Lester was slurring his words. I asked Lester for his registration and insurance again. Lester gave me the documents. I told Lester to step out of the vehicle. Lester asked why. I explained to him that I wanted to conduct some tests to make sure he was good to drive. As Lester got out of the car, I noticed him stumble. *e*

I walked back to my patrol car with Lester. Officer Fuller was standing by my vehicle and witnessed my instructions and the tests. I began by asking Lester if he had any mechanical issues with his car. Lester stated he did not. I asked Lester if he had any injuries or medical conditions that would prevent him from doing the tests. Lester stated he did not. I asked Lester if he had eaten anything recently. Lester stated he had pizza a few hours ago. I asked Lester where he was coming from and going. Lester again stated he was coming from downtown and going home. I asked Lester if he knew where he was stopped. Lester stated he did not. I asked Lester how much he had to drink. Lester stated a couple beers. I asked Lester how many a couple was. Lester stated two. Lester stated he started drinking three hours ago, and stopped drinking two hours ago.

Field Sobriety Tests

Time?
I began the Standardized Field Sobriety Tests (SFST) with Lester. I began by explaining, demonstrating, and administering the Horizontal Gaze Nystagmus test (HGN). Lester showed six out of

add me what these clues were EXHIBIT U

six clues for HGN. I then explained, demonstrated, and administered the Walk and Turn test. Lester showed three out of eight clues for the Walk and Turn. I then explained, demonstrated, and administered the One Leg Stand. Lester showed three out of four clues for the One Leg Stand.

Arrest

After finishing the SFST I told Lester to turn around. I told Lester I was placing him under arrest for Operating While Intoxicated (OWI). I placed handcuffs onto Lester. I checked the handcuffs for proper fit and made sure they were double locked. I sat Lester down in the back of my patrol car. I read Lester Implied Consent from a preprinted card. Lester stated he understood and would submit to a breath test. I placed Lester under arrest at 2325 hours.

Disposition of Vehicle and Occupants

I then called for a tow truck and impounded Lester's Kia. I completed an inventory according to my department policy and documented all items before the truck arrived. I issued Lester two citations, one for left of center 9-21-8-2, and one for no license plate 9-18.1-4-4. I also took Lester's driver's license and issued him a receipt for his license. There were no other passengers in the vehicle.

Implied Consent

I then transported Lester to the Hometown Police Department for the chemical test. I read Lester Implied Consent from a preprinted card again before administering the test. Lester stated he would still submit to the breath test. The chemical test was completed at 2350 at the hometown Police Department by Officer Joseph Friday. Lester showed a certified result of .128BrAC.

Final Disposition

Lester was incarcerated at the Elkhart County Jail for Operating a Vehicle while Intoxicated with a Prior. Lester did not request any kind of medical attention. Lester's vehicle was towed by Thompson's Towing to their garage.

Attached Paperwork:

- 1. Copy of driver's license
- 2. BMV return for the Kia
- 3. OWI PC
- 4. UTT

I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

K. Rucker 9210

K. Rucker 9210

STATE OF INDIANA IN THE _____ Circuit _____ COURT COUNTY OF _____ Elkhart ss:

State of Indiana
vs.

) COURT CAUSE NUMBER _____ AGENCY CASE NUMBER _____

Dee Moe Lester

AFFIDAVIT FOR PROBABLE CAUSE

I, Kaleb Rucker, a law enforcement officer with the (agency) Goshen Police Department, affirms that on (date) 04 / 11 / 2022, at approximately 1100 ☐ am ☒ pm the accused, (first name) Dee (middle initial) Moe (last name) Lester, a ☒ Male, ☐ Female, (d/o/b) 08 / 30 / 1986, (DL number or last four digits of SSN) 0002-00-0002, (license type) Driver's License, was observed in (location) 1100 Block State Road 119 (county) Elkhart, Indiana operating a (vehicle description, include CMV and Hazmat Indicator): White 2014 Kia Sorento 4-S VIN: SK123GHK897T897636 under the following circumstances.

I. PRELIMINARY OBSERVATION/REASON FOR STOP (check all that apply)

- ☒ I observed the accused operate a vehicle in my presence and view.
☒ Officer Tom Fuller observed the accused operate a vehicle.
☒ I had reason to believe the accused operated the vehicle because: The vehicle was weaving in the lane and crossed the center line three times.
☒ The accused committed the following violation(s): Left of Center 9-21-8-2, No License Plate 9-18.1-4-4
☐ Passenger under age 18 pursuant to IC 9-30-5-3(2)
☐ Other: _____
- Crash Involved: ☐ Yes ☒ No Crash involved Local Crash Number: _____ Time of Crash: _____ ☐ am ☐ pm
☐ The accused admitted to being the driver involved in the crash.
☐ The result of the accused driving resulted in: ☐ serious bodily injury ☐ fatality
 Name(s) of person(s) injured: _____

II. OBSERVATIONS

- I had reason to believe the accused was INTOXICATED because I observed the following:
- | | | | | |
|--|--|---|---------------------------------|--|
| <input checked="" type="checkbox"/> Odor of alcoholic beverage | <input type="checkbox"/> Left vehicle in gear | <input checked="" type="checkbox"/> HGN | <input type="checkbox"/> Passed | <input checked="" type="checkbox"/> Failed |
| <input type="checkbox"/> Alcohol beverage containers in view | <input type="checkbox"/> Failed to shut off vehicle | <input checked="" type="checkbox"/> Walk and Turn | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Speech was slurred | <input type="checkbox"/> Could not open door | <input checked="" type="checkbox"/> One Leg Stand | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> Eyes were glassy | <input type="checkbox"/> Pulled self from vehicle | <input type="checkbox"/> Rhombberg Balance | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Manual dexterity | <input checked="" type="checkbox"/> Staggered from vehicle | <input type="checkbox"/> P.B.T./Alco-sensor 0. _____ gram of alcohol per 210 liters of breath | | |
| <input type="checkbox"/> Abusive attitude | <input type="checkbox"/> Leaned against vehicle | DRE: Conclusion: _____ Performed by: _____ | | |
| <input checked="" type="checkbox"/> Balance was unsteady | | | | |
| <input type="checkbox"/> Soiled/disorderly clothing | | | | |
| <input checked="" type="checkbox"/> Other observations/test: <u>Lester handed me a Visa credit card when I asked for his license, I had to ask for his registration two times.</u> | | | | |

III. CHEMICAL TEST

- ☒ I advised the accused of the Implied Consent Law and the accused: ☒ submitted to, or ☐ refused a chemical test ☐ results are pending
☐ I was unable to offer a chemical test to the accused because such person was: ☐ unconscious ☐ injured
☒ Joseph Friday, a certified chemical test operator, determined from a chemical test that the accused had an alcohol concentration equivalent to 128 gram of alcohol per 210 liters of breath. The chemical test was administered at (location) Hometown Police Department at 1150 ☐ am ☒ pm using certified instrument number 010870500.
☐ I was told by _____ the result of the chemical test was an alcohol concentration equivalent to 0. _____ gram of alcohol per 100 milliliters of blood. Such test was administered by drawing or taking a sample of whole blood at _____ ☐ am ☐ pm. Drawn by: _____
☐ I was told by (name) _____ the result of the chemical test determined that the accused had in his/her body a controlled substance, a controlled substance metabolite, or a drug, to wit _____. Such test was administered by drawing or taking a sample of: ☐ blood, ☐ urine, ☐ other _____ at (location) _____ at (time) _____ ☐ am ☐ pm.
 Drawn by: _____

IV. WITNESS INFORMATION (Only Print Witness Information on Officer and Prosecutor Copy.)

1. Name Tom Fuller Address 111 E Jefferson St. Goshen, IN 46528 TX Number 123-123-1234
 2. Name _____ Address _____ TX Number _____

V. PREVIOUS INDIANA AND OUT OF STATE CONVICTION(S)

1. Offense, Court Information, Conviction Date and Court Cause/Case number: DUI, Hendricks County Sheriff's Department, 11/17, 2017-001
 2. Offense, Court Information, Conviction Date and Court Cause/Case number: _____

THE ACCUSED COMMITTED A VIOLATION OF IC 9-30-5, IC 14-15-8, or IC 31-37-19.

I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

Signature of Affiant <u>K Rucker 401D</u>	Date (month, day, year) <u>11/11/2022</u>	Print Name & Department <u>Kaleb Rucker Goshen PD</u>
ORIGINAL TO PROSECUTOR/COURT	1 st COPY TO BMV FROM COURT	2 nd COPY FOR OFFICER

Bureau of Motor Vehicles Certificate

COURT CAUSE/CASE NUMBER: _____ AGENCY CASE NUMBER: _____
 Offense Date (month, day, year): 04 / 11 / 2022 Time: 1100 ☐ am ☒ pm (DL number or last four digits of SSN) 0002-00-0002
 Driver License Type: Driver's License Driver License State: IN
 Full Name: (First) Dee (Middle Initial) Moe (Last) Lester
 Date of Birth: 08 / 30 / 1986 Gender: _____ Weight: 6'1 Height: 185 Eye Color: Brown Hair Color: Brown Race: White
 Address (number and street, city, state, and ZIP code): 378 Florence St Plainfield IN
 Vehicle Type: ☒ Passenger ☐ CMV ☐ Hazmat ☐ Other: _____
 The above Motorist: ☐ Refused ☒ Failed Alcohol Test 0. 128 BAC Drugs: ☐ Yes ☒ No ☐ Pending Results of Alcohol or Drug Test(s)
 PROBABLE CAUSE FOUND THAT DEFENDANT VIOLATED IC 9-30-5 or IC 14-15-8 and charges are pending. THE COURT RECOMMENDS THAT THE BMV TAKE THE FOLLOWING ACTION ON DEFENDANT'S DRIVING PRIVILEGES:
☐ Immediate Suspension ☐ Suspend upon notice from the Bureau of Motor Vehicles ☐ Court Ordered Ignition Interlock Device in Lieu of Suspension

Judge's Signature: _____ Date (month, day, year): _____ / _____ / _____

Agency Case Number _____

RECEIPT FOR LICENSE

Part of State Form 44213 (R6 / 10-10)

Instructions for Officer: In accordance with IC 9-30-6-7, the officer shall inform the person that refusing to submit to a chemical test will result in the suspension of the person's driving privileges. If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall obtain the person's driver's license or permit if the person is in possession of the document and issue a receipt valid until the initial hearing of the matter held under IC 35-33-7-1.

This receipt is issued pursuant to IC 9-30-6-7, and is valid until your driving privileges are suspended by the court or by the Bureau of Motor Vehicles. Notice of suspension will be sent to the last address you provided to the Bureau of Motor Vehicles. If your address is not current with the Bureau of Motor Vehicles, pursuant of IC 9-24-13-4, you must update your information with the Bureau of Motor Vehicles immediately.

YOU MUST BRING THIS RECEIPT FOR LICENSE WITH YOU TO COURT.

Date of Arrest (month, day, year): 04 / 11 / 2022 Time: 1150 ☐ AM ☒ PMCharges: OWI-Prior Agency ORI: IN0200200Driver License Number: 0002-00-0002 Driver License Type: Driver's LicenseDriver License State: INDate of Birth (month, day, year): 08 / 30 / 1986 Height: 185 Weight: 6'1Eye Color: Brown Hair Color: BrownName: (First) Dee (Middle Initial) Moe (Last) LesterAddress (number and street, city, state, and ZIP code): 378 Florence St Plainfield INPrinted Signature of Officer: Kaleb Rucker Date (month, day, year): 04 / 11 / 2022Law Enforcement Agency: Goshen Police Department Badge Number: 9210

INCIDENT REPORT

Part of State Form 44213 (R6 / 10-10)

Agency Case Number _____

Name: (First) Dee (Middle Initial) _____ (Last) Moe LesterDriver License Number/or last 4 digits of SSN: 0002-00-0002 Date of Birth (month, day, year): 08 / 30 / 1986Incident Date (month, day, year): 04 / 11 / 2022 Incident time: 1100 ☐ AM ☒ PM

Associated Traffic Tickets numbers: _____

Narrative: See attached report.

DRIVING BEHAVIOR DIAGRAM - Part of State Form 44213 (R6 / 10-10)

VEHICLE IN MOTION

Initial observations (TIME 23 : 00)Observation of stop Slow to stop, Crossed center line, Crossed fog line

PERSONAL CONTACT

Manual dexterity No IssuesObservation of driver Slurred Speech, Unsteady Balance, Bloodshot EyesSpeech Slurred Eyes BloodshotAttitude _____ Smell Alcoholic BeverageBalance Unsteady Containers in view NoneDriver's voluntary statements Drank two beers.

INTERVIEW REGARDING PHYSICAL CONDITION

What kind of vehicle were you driving _____

Glasses / Contacts / Eye conditions NonePhysical conditions NonePhysical injuries NoneMedications None

INTERVIEW REGARDING SUBSTANCE INTAKE

What have you had to drink? BeerBrand _____ Amount TwoWhere did you drink? DowntownWhen did you start? 20 : 00 When did you finish? 21 : 00

Have you taken any illegal drugs? _____

What? _____

When did you take them? _____

1 HORIZONTAL GAZE NYSTAGMUS INSTRUCTIONS

- ☒ Are you wearing glasses or contacts?
- ☒ I'm going to check your eyes
- ☒ Stand w/ your feet together, hands to your side.
- ☒ Follow the stimulus, w/ your eyes, but do not move your head.
- ☒ Focus on the stimulus until I tell you to stop.
- ☒ Hold stimulus 12 to 15 inches in front of nose just above eye level.
- ☒ Equal pupil size and tracking (if not, NO TEST)
- ☒ Check for resting nystagmus (NOT A CLUE)

HORIZONTAL GAZE NYSTAGMUS CLUES

CLUES

Lack of smooth pursuit (approximately 2 seconds out / 2 seconds back) ☒ ☒

Distinct and sustained nystagmus @ max. dev. (4 secs minimum @ MD) ☒ ☒

Onset of nystagmus prior to 45 degrees ☒ ☒

Check for Vertical Nystagmus (NOT A CLUE)

LT / RT

☒ ☒☒ ☒☒ ☒

SCORE

6

DECISION POINT: 4 CLUES / MAXIMUM # OF CLUES 6

2 WALK AND TURN INSTRUCTIONS

- ☒ Place your left foot on the line (real or imaginary) and put your right heel against the toe of your left foot.
- ☒ Place your arms to your side.
- ☒ Maintain this position and do not do anything until I tell you to start.
- ☒ DO YOU UNDERSTAND?
- ☒ When I tell you to start, take nine heel-to-toe steps along the line.
- ☒ On the ninth step, leave your front foot on the line and turn by using small steps with your back foot & take nine heel-to-toe steps back down the line.
- ☒ Keep your hands by your side, count your steps OUT LOUD, and keep looking at your feet.
- ☒ Once you start, do not stop until the test is completed.
- ☒ DO YOU UNDERSTAND?

Stopped for safety reasons
or could not perform test
safely ☐

WALK AND TURN CLUES

- ☐ Can't balance during instructions
- ☐ Stops while walking
- ☐ Steps off the line
- ☒ Turns improperly
- ☐ Starts too soon
- ☒ Misses heel to toe
- ☒ Uses arms to balance
- ☐ Wrong number of steps

DECISION POINT: 2 CLUES / MAXIMUM # OF CLUES 8

SCORE 3

3 ONE LEG STAND INSTRUCTIONS

- ☒ Stand with your feet together.
 - ☒ Keep your arms by your side.
 - ☒ Maintain that position until told to do otherwise.
 - ☒ DO YOU UNDERSTAND?
 - ☒ Keep both legs straight
 - ☒ Raise one foot approximately 6 inches w/ foot parallel to ground
 - ☒ Look down at your raised foot
 - ☒ Count OUT LOUD (1001, 1002, 1003) until told to stop.
- 30 second timed test - DO NOT ADVISE SUBJECT OF TIMED TEST

ONE LEG STAND CLUES

- ☒ Sways during test
- ☒ Uses arms to balance
- ☐ Hops
- ☒ Puts foot down

Stopped for safety
reasons or could not
perform test safely ☐

SCORE

3

DECISION POINT: 2 CLUES / MAXIMUM # OF CLUES 4

4 PBT Result Mouth Checked at

ALTERNATE TESTS

50 pounds overweight / 65 years of age or older / claimed injury

Alphabet D through R: _____

Finger Count 1-2-3-4 / 4-3-2-1 each finger to thumb: _____

Backward Count 96 to 66: _____

Other: _____